

ATTACHMENT 2

**MEMORANDUM OF UNDERSTANDING
REGARDING EOIR'S SPEAKING ENGAGEMENT POLICY**

This Memorandum of Understanding (MOU) between the Executive Office for Immigration Review (hereinafter Agency or EOIR) and the National Association of Immigration Judges (NAIJ) (collectively, the Parties) sets forth the agreement between the Agency and NAIJ regarding specific procedures and considerations related to the implementation of EOIR's Speaking Engagement Policy, as it applies to Immigration Judges.

THE PARTIES AGREE THAT:

- (1) Pursuant to 5 C.F.R. § 2635.807(b)(3), in connection with an Immigration Judge's teaching, speaking, or writing, an Immigration Judge may use or permit the use of a general term of address that is ordinarily used to address Immigration Judges.
- (2) The supervising ACIJ will strive to notify the Immigration Judge within one (1) business day after he or she has sent the request to the SET. Following receipt of a timely, complete request, the SET will strive to respond to the request within five (5) business days. If the decision will be issued outside of the five (5)-day window, the requestor will be notified, when feasible.
- (3) An Immigration Judge who does not receive a response to a speaking engagement request, or who has other questions or concerns about the status of a request, should contact the Immigration Judge's supervising ACIJ. NAIJ will establish a single point of contact to act as a liaison with a designated Agency representative concerning Immigration Judge speaking engagement requests. Any concerns not addressed by the supervising ACIJ will be brought to the Agency's attention through the NAIJ liaison.
- (4) When the Agency denies a request of an Immigration Judge to participate in a speaking engagement, the Agency will provide the Immigration Judge with a reason for a denial.
- (5) An Immigration Judge whose request to participate in a speaking engagement is denied can seek reconsideration of the denial of the request to an official designated by the Agency by resubmission of the request through the ACIJ. The Agency will strive to make a decision on the reconsideration within ten (10) business days of receipt.
- (6) By June 30, 2018, the Agency will provide to NAIJ a list of factors that the Agency considers in assessing Immigration Judge speaking engagement requests and/or representative examples of types of speaking engagements that fall into each speaking capacity.
- (7) The Agency will not consider protected bases in determining whether to grant or deny a speaking request.

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- (8) Every six (6) months, the Agency will provide to NAIJ a summary of Immigration Judge speaking engagement requests received by the SET. For each request, this summary will include the date the request was submitted, the requestor's supervisor, a description of the event, the date of the event, whether the request was approved or denied, and in which speaking capacity.
- (9) Whenever a model hearing program is conducted in a local court, if a local Immigration Judge is not approved to participate in the program, the Agency will:
 - a. Allow Immigration Judges to submit input on topics and practices in the locality of the court.
 - b. Upon request by the local NAIJ representative to the supervisory ACIJ, the Agency will provide to NAIJ any materials provided to the public.
- (10) The Parties agree that the terms of this Memorandum of Understanding are binding on both parties. The Parties maintain any applicable rights and obligations under labor law.

FOR THE AGENCY:

Katherine H. Reilly
Deputy Director

Date

FOR THE UNION:

Amiena Khan. 5-10-2018.
Amiena Khan
Executive Vice President, NAIJ
Date

Daniel L. Swanwick
Counsel to the Deputy Director

Date